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9 *and Sergeant Smith*

10 UNITED STATES DISTRICT COURT

11 DISTRICT OF NEVADA

12 MARK CLIFFORD SYKES, Sui Juris,

13 Plaintiff,

14 vs.

15 LAS VEGAS METROPOLITAN POLICE  
DEPARTMENT OF CLARK COUNTY  
NEVADA, et al.,

16 Defendants.

CASE NO.: 2:21-cv-01479-RFB-DJA

**LVMPD’S PARTIAL OPPOSITION  
TO PLAINTIFF’S MOTION TO  
ISSUE SUBPOENAS AND MOTION  
FOR EXTENSION OF TIME TO  
SERVE DEFENDANT OFFICER S.  
HUNT [ECF No. 50]**

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18 Defendant Las Vegas Metropolitan Police Department and Sergeant Smith (collectively  
19 “LVMPD Defendants”), through their counsel, Kaempfer Crowell, file this Response in partial  
20 opposition to Plaintiff Mark Sykes’s Motion to Issue Subpoenas and for Extension of Time to  
21 Serve Defendants, (ECF No. 50). Plaintiff’s requested relief—a subpoena ordering LVMPD to  
22 disclose Defendant Officer Hunt’s personal address—cannot occur because that requested  
23 information is confidential under Nevada Revised Statute 289.025. LVMPD can, however,  
24

1 provide Officer Hunt's last known address to the Court under seal so that service can be  
 2 attempted by the U.S. Marshal's Service after Plaintiff completes the form needed to do so.

### 3 **MEMORANDUM OF POINTS AND AUTHORITIES**

#### 4 **I. ARGUMENT**

5 This lawsuit arises from the arrest of Plaintiff Mark Sykes on August 8, 2020. Sykes  
 6 pursues this lawsuit through *in forma pauperis* status. An ongoing issue here is Sykes's claimed  
 7 inability to serve Defendant Hunt with process as required by Federal Rule of Civil Procedure 4  
 8 because Hunt no longer works for LVMPD and, therefore, cannot be served through LVMPD.  
 9 Sykes argues that he "has been unsuccessful in trying to skip trace Hunt." So Sykes now asks  
 10 the Court to step in by issuing him a subpoena that directs LVMPD to provide Hunt's last known  
 11 address so that Sykes can serve Hunt.

12 At the outset, the Court should deny Sykes's Motion to the extent he asks the Court to  
 13 issue a subpoena compelling LVMPD's production of Defendant Hunt's address. Nevada  
 14 Revised Statute 289.025 expressly shields this information from public disclosure—especially to  
 15 a pro se party pursuing a civil lawsuit against a current officer or former officer. *See Nev. Rev.*  
 16 *Stat. 289.025(1)* ("the home address and any photograph of a peace officer in the possession of a  
 17 law enforcement agency are not public information and are confidential."); *Kendryna v. United*  
 18 *States*, No. 3:18-cv-00415-MMD-WGC, 2018 WL 6435884, at \*3 (D. Nev. Dec. 7, 2018) ("The  
 19 Court finds that Mr. Kendryna's status as a law enforcement officer is a compelling reason to  
 20 seal Plaintiffs' residential address.").

21 However, LVMPD will voluntarily provide Defendant Hunt's last known address to the  
 22 Court under seal so that it may be used by the U.S. Marshal's Service to attempt service of  
 23 process. That voluntary production can occur once the Court enters an Order granting LVMPD  
 24 leave to file that information under seal on the docket. LVMPD can then file a Notice of

1 Compliance, after which Plaintiff can receive additional time to complete a Form USM-285 and  
2 move for an Order instructing the U.S. Marshal to attempt service of process on the last known  
3 address.

4 **II. CONCLUSION**

5 The Court should deny Plaintiff's Motion to the extent he asks for a court-issued  
6 subpoena requiring LVMPD Defendants to disclose Defendant Hunt's last known personal  
7 address. The proper action is for the Court to grant LVMPD Defendants leave to file Defendant  
8 Hunt's last known address under seal on the docket. Plaintiff can then have a deadline set by the  
9 Court to complete the necessary Form USM-285 so that the U.S. Marshal's service can attempt  
10 service of process using that last known address.

11 DATED this 22nd day of August, 2023.

12 KAEMPFER CROWELL

13  
14 By: /s/ Lyssa S. Anderson

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20 *Department and Sergeant Smith*  
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23  
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**CERTIFICATE OF SERVICE**

I certify that I am an employee of KAEMPFER CROWELL, and that on the date below, I caused the foregoing **LVMPD'S PARTIAL OPPOSITION TO PLAINTIFF'S MOTION TO ISSUE SUBPOENAS AND MOTION FOR EXTENSION OF TIME TO SERVE DEFENDANT OFFICER S. HUNT [ECF No. 50]** to be served via CM/ECF and/or First Class Mail (where indicated) addressed to the following:

Mark Clifford Sykes  
P.O. Box # 91614  
Henderson, NV 89009

[windsorsykes@yahoo.com](mailto:windsorsykes@yahoo.com)  
(Via CM/ECF)

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***Attorneys for the United States of America***

DATED this 22nd day of August, 2023.

/s/ Linda Gilman  
an employee of Kaempfer Crowell